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for # 1645
28" paper

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Apicella et al.

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

Docket No.: 875.001US2

Filed: October 13, 1998

Examiner: S. Devi

Serial No.: 09/077,572

Due Date: August 21, 2001

Group Art Unit: 1645

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Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Notice of Appeal (1 Page).
- ☒ Check for Notice of Appeal fee of \$310.00.

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

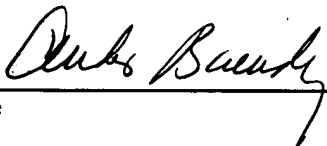
By: 
Atty: Ann S. Viksnins
Reg. No. 37,748

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX AF, Commissioner for Patents, Washington, D.C. 20231, on this 17th day of August, 2001.

Candis B. Buending

Name

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

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S/N 09/077,572

PATENT

Original to #29 paper

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Applicant: Michael A. Apicella et al.

Examiner: S. Devi

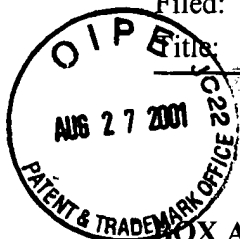
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**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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Commissioner for Patents
Washington, D.C. 20231

In compliance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 21, 2001, of the Examiner rejecting claims 22-26, 29, 32 and 33 of the above-identified patent application.

Our check in the amount of \$310.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b).

We believe that no extension of time is necessary to respond to the Examiner's rejection, since Applicants filed their complete response within the two-month period from the date of mailing of the final Office Action. To date, Applicants have not received a further action from the Examiner, and are filing this Notice of Appeal to prevent possible abandonment.

If, in spite of the above explanation, a petition for extension and fees under 1.17(a) are deemed to be due, please consider this a request for extension, and charge any required fees to Deposit Account No. 19-0743.

Respectfully submitted,

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MICHAEL A. APICELLA ET AL.

By Applicants' Attorneys,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Date 17 August 2001

By

Ann S. Viksnins
Ann S. Viksnins
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Candis B. Buending

Name

Signature

Candis B. Buending